

Candy Wrappers

I have been representing the Kuwaiti detainees at Guantanamo since May 2006. Although I have been a civil litigator for more than thirty-five years and have done civil rights cases with the Washington Lawyers' Committee for Civil Rights, Guantánamo has been a unique experience, both depressing and exhilarating. There are many things to say, but I will limit myself to two observations, plus a vignette.

First, the best thing about Guantánamo has been meeting and working with the wide variety of lawyers who have been involved in these cases – big firm partners and associates, sole practitioners, federal public defenders, public interest organization lawyers, law professors, lawyers with extensive criminal and civil rights litigation experience, lawyers with no prior experience in those fields, young lawyers, old lawyers, lawyers who are Democrats, lawyers who are Republicans, and lawyers who are independents (maybe even a few Naderites!). The common thread is that all of them are enthusiastic about what they are doing, all of them are deeply committed to the concept that the rule of law means something, and all of them are deeply angered and ashamed of how this Administration has attempted to destroy the rule of law. It brings to mind the oft-misunderstood quotation from Shakespeare's Henry VI: "The first thing we do, let's kill all the lawyers" – not because lawyers are annoying pests who make people's lives miserable, but because without lawyers there would be no laws, and a tyrant could rule unrestrained. Although the Bush Administration tried to kill all the lawyers (RIP, Cully Stimson), and came pretty close to killing the rule of law, I am proud to be a small part of the large group of lawyers who prevented that from happening.

Second, what strikes me about the prison at Guantánamo Bay is its incongruity. It sits at the base of rolling green hills on a bluff overlooking the beautiful, sparkling Caribbean. But inside the razor-wired, green-canvassed covered fences sits a grim, sterile maximum security prison, surrounded by concrete, pea gravel and dirt. It's the kind of place in which, in the U.S., we house our most violent and incorrigible convicted criminals. Yet no prisoner at Guantánamo has been convicted of anything, and most have not even been charged with a crime. I have a feeling that someday, long after the prison is finally closed and we restore normal relations with Cuba, this spot will become a tourist attraction like Alcatraz. People who have come to enjoy the warm Caribbean sun and sea will wander in and out of the cells and look with interest at the photos and exhibits, but will have no real clue about the torment that occurred here at the epicenter of one of the most shameful episodes in U.S. history.

The vignette:

Many of our meetings with prisoners at Guantánamo take place in "Camp Iguana," a collection of two-room wooden huts about a mile from the main prison. Although these meetings are purportedly privileged, each room is subject to surveillance by closed circuit TV.

One of my clients enjoys dark chocolate candy, so I make sure to bring some to each of our meetings. He speaks fluent English, having attended graduate school in the

U.S. On one trip, I brought him a bag of Dove dark chocolate candies, which come in red foil wrappers containing little sayings, something like fortune cookies. We were eating the candy and exchanging our wrappers. He opened one and started laughing, then handed it to me, and I laughed as well, because the short sentence encapsulated his life at Guantánamo and my frustrated inability to accomplish anything useful for him in my capacity as a lawyer: “You are allowed to do nothing.” I told him I was going to keep the wrapper as a memento and send it to him when he returned to Kuwait. So I noted the date of our meeting on the wrapper and put the wrapper into my wallet.

As I left the interview and was headed back to the bus, the escort said, “The SOG [Sergeant of the Guard] wants to see you.” This is never good news. I followed the SOG into a room. He looked at me and said, “Did you bring anything out of the interview that you weren’t supposed to?” I had no idea what he was talking about and said so. He replied, “Are you sure you want to stick with that story?” I got annoyed and said I had done nothing improper. He then asked, “Did you put something in your wallet during the interview?” I stared at him incredulously, then removed the wrapper from my wallet, handed it to him and said, “You mean this candy wrapper? I kept it because it says everything there is to say about this place.” He read it, looked somewhat sheepish but said, “You understand, when we see you put something in your wallet like that, we assume you have something to hide. Everything that goes into and out of those interview rooms has to be inspected by the guards.”

I guess he concluded that I was not trying to pass any secret messages on to al Qaeda because he graciously allowed me to keep the wrapper.

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